

1 Hon. Brian D. Lynch
2 Hearing date: February 12, 2014
3 Hearing time: 9:00 a.m.
4 Response date: February 5, 2014
5 Chapter 7
6 Location: Tacoma

7
8 UNITED STATES BANKRUPTCY COURT
9 WESTERN DISTRICT OF WASHINGTON

10 In re

No. 13-47160

11 GARY and KRISTIE CREEGER,

MOTION TO COMPEL TURNOVER OF
12 Debtors.

13 Kathryn A. Ellis, the duly appointed, qualified and acting Trustee of the estate of Gary
14 and Kristie Creeger, moves the Court pursuant to 11 U.S.C. §§ 105 (a), 362 (a)(3), 521 (3) and
15 (4), 542 (a), and 704 (1), and Fed. R. Bankr P. 7001 (1), 9013, to compel the debtors to turnover
16 and surrender the non-exemptible funds in the debtors' financial accounts for administration in
17 this Chapter 7 case.

18 In support thereof the Trustee represents as follows:

19 1. Facts

20 The debtors filed the present Chapter 7 Bankruptcy Petition on November 19, 2013. The
21 debtors listed their interest in three bank accounts. The debtors listed the aggregate value of
22 such bank accounts as \$3,400. In actuality, the aggregate value of the debtors' bank accounts
23 was \$4,003.46. See Declaration of Christopher G. Williams submitted herewith. The debtors
24 claimed an exemption in the bank accounts pursuant to RCW 6.15.010 (1)(c)(ii) in the amount of
25 \$1,780.00, notwithstanding that statue's specific limit of \$500.00 in such assets. The Trustee
26 timely filed an objection to the debtors' exemptions for this reason (Docket No. 9). The debtors
27
28

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should be ordered to turnover the non-exemptible value of the bank accounts in the amount of \$3,503.46.

2. Turnover is Required

11 U.S.C. § 542 (a) of Bankruptcy Code requires any entity in possession of estate property that the Trustee may use, sell or lease, to deliver to the Trustee and account for such property, or the value of such property. *U.S. v. Whiting Pools*, 462 U.S. 198,103 S.Ct. 2309 (1983). The turnover statute is intended to be self-executing. A party must turnover property to the Trustee regardless of whether demand is made. 11 U.S.C. § 521 (a)(4) requires a debtor to provide all property of the estate, and any records regarding the same, to the Trustee. Here, the Trustee requested turnover of the non-exemptible bank accounts on December 26, 2013 and January 9, 2014.

Summary

Based on the foregoing, the Trustee respectfully requests the Court to enter an order compelling the debtors to turnover the non-exemptible funds in the debtors' financial accounts, or enter a judgment against them for the same.

DATED this 21st day of January, 2014.

/s/ Kathryn A. Ellis
Kathryn A. Ellis, Trustee

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